(42) Rs. 8,253—2—0 under "7—Excise—Refunds"

Mr. B. V. K. Menon *(Offg. Commissioner of Excise):* I beg to move for an additional allotment of Rs. 8,253—2 0, under "7—Excise refunds." This is to refund the amount of duty already collected on salt jettisoned.

Demand put and carried

LEGISLATIVE BUSINESS—GOVERNMENT BILL

The Cochin Verumpattamdars' Bill

Mr. M. Raman Menon *(Offg. Diwan Peishkar):* I beg to move that the Cochin Verumpattamdars Bill be read in Council.

Mr. N. S. Radhakrishna Sarma *(Legal Remembrancer):* I second it.

Mr. M. Raman Menon *(Offg. Diwan Peishkar):* In moving this I have to submit that what has prompted the Government to introduce this legislation is made clear in the objects and reasons of the Bill. It reads thus:

"The question of giving fixity of tenure to Verumpattam tenant has been engaging the attention of the Government for some time. Government are satisfied that the conferment of fixity of tenure on such tenants will lead to the improvements of the lands and thereby increase the economic prosperity of the State. A sense of security in the tenant will induce him to greater efforts to improve the land. At the same time Government feel that non-payment of rent must entail a forfeiture of the rights to fixity. The rent now in force is the result of contract between the parties and it is considered that this rent may be deemed to be fair rent for all time. An increase in the productive capacity of the land due to the labour of the tenant should not be a basis for the enhancement of the rent by the landlord as the idea underlying the grant of fixity is to remove every clog on the unfettered improvement of land."

Of course, in view of this statement, I don't think that a further elucidation of the necessity for the bill is necessary. Any way, under the existing law, a tenant can be ejected out of his holding and the rent enhanced at any time and for any reason by the landlord.

Mr. A. V. Moothedan *(Chalakkudi):* Without any reason also.

Mr. M. Raman Menon *(Offg. Diwan Peishkar):* At any time and without any reason. Of course, this state of things takes away the incentive from the tenant to improve the land because he was not sure if he improves the land and enhances the productive capacity of the land, when he would be evicted or when the rent would be enhanced. The only remedy for this evil is to introduce fixity of tenure. Unless he is guaranteed that he would be allowed to enjoy the fruits of his own labour, there may not be any inducement for him to improve the land. And naturally, the economic prosperity of the State depends in a large measure on the improvement of the land. That is exactly the reason why no fixity of tenure has been sought to be conferred upon the tenant. Now, in conferring the fixity of tenure, the most essential thing is the fixing of the fair rent. Without a fair rent being fixed, there is no possibility of a fixity of tenure. What has been sought to be done in this legislation is to accept as fair rent the existing rent, that is, the rent that is now being paid by the tenant to the landlord, which is the result of their mutual agreement and which has been accepted by both parties. So, if this is accepted, as fair rent, there may not be any serious contention that it is not acceptable to the parties. On the other hand, if we now attack this and say it is not fair rent, it will bring in all sorts of trouble and confusion. In granting this fixity of tenure, the principles accepted by this Bill are these: the tenants are made liable to pay regularly the *pattam* for which they are holding the property, and so long as they pay the *pattam*, they are not to be ejected by the landlord and the *pattam* should in no case be increased by the *jenmi*. The tenant should have the benefit of the extra yield now or hereafter. If, in any one year, the crops fail due to want of rain or draught and if the Government are pleased to remit the assessment in that year, the landlord also should grant the same remission. In case the land-tax is increased by the Government for any reason or at any time hereafter, the increase of rent that is to be paid has to be paid by the tenant. It is thus that a fair rent is fixed and a fixity of tenure is given to the tenant. As the Bill is a very short one and very clear, I don't think any further comment is necessary. I, therefore, commend this to the acceptance of the House and pray that the motion may be carried.

Mr. A. B. Salem *(Mattancheri):* There was already a notification dated 10th April 1942 regarding development of land, that no inch of land can be left uncultivated. One of the objects of this Bill is to get the best produce from the land. In view of that what would be the necessity for this Verumpattam Bill? An extraordinary notification has been issued that those who cannot cultivate the land may surrender such lands and Government will remit the tax. The Government will cultivate such lands. Village war committees have been appointed to find

LIBRARY ARCHIVES Kerala Legislative Assembly